

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Public Service – Treasuries and Accounts Department – Chittoor District -  
Sri P.Kanakarajulu, ATO (Retd.) – Stepping of pay on par with his Junior Smt.  
D.Saraswathi - Implementation of Hon'ble APAT Orders dated 13-11-2005 in  
O.A.No.8214/2001 – Orders – Issued.

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**FINANCE (ADMN.I.VIG) DEPARTMENT**

**G.O.Rt.No. 3141**

**Dated:19-08-2009**

**Read the following:-**

1. District Treasury Officer, Chittoor Proceedings No. A1/4390/87 dated 18.7.1987.
2. Director of Treasuries and Accounts, AP, Hyderabad Memo.No.D1/9985/98 dated 1.7.1999.
3. Proceeding No. A1/544/98 dt 4.8.1999 of Deputy Director, District Treasury, Chittoor.
4. APAT Order dt. 13-11-2005 in O.A.No.8214/2001 filed by Sri P.Kanaka Rajulu, ATO (Retd.).
5. The Hon'ble A.P. High Court Order dt. 04-07-2008 in W.P.No.25201/06 filed the Dy. Director, District Treasury, Chittoor.
6. Hon'ble Supreme Court of India Order dt. 7-8-2009 in SLP (Civil) CC No.10573/2009.

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According to orders issued in G.O.Ms.No.297, Finance Department, dated 25-10-1983; the pay of senior shall be stepped up to that of junior if the pay of the junior in the lower category is less or equal to that of senior. The pay of Sri P.Kanakarajulu was stepped up to that of Smt. D.Saraswathi w.e.f. 1.4.1984 vide proceedings of the District Treasury officer Chittoor dated 18.7.1987.

2. After retirement of Sri P.Kanakarajulu and while processing his pension papers, it was noticed that his pay was wrongly fixed as Smt. D.Saraswathi has drawn higher pay scale than Sri P.Kanakarajulu, in the category of Junior Accountant. Sri P.Kanakarajulu has drawn a pay of Rs.400/- in the category of Junior Accountant as on 1-4-1975. Whereas his junior, Smt. D. Sarawathi has drawn an amount of Rs.400/- as on 1.12.1974 in the category of Junior Accountant. Sri P.Kanakarajulu was promoted as Senior Accountant w.e.f. 6.5.1975 and Smt. D.Saraswathi was promoted as Senior Accountant w.e.f. 13.7.1983. Since Smt. D.Saraswathi has drawn higher pay scale than Sri P.Kanakarajulu in the category of Junior Accountant, Sri P.Kanakarajulu was issued a show cause notice. After detailed examination, the excess amount of Rs.63,159/- was recovered from his gratuity vide proceedings of the DTA dated 1.7.1999 and Deputy Director, Chittoor dated 4.8.1999.

3. Aggrieved by the above orders, Sri P.Kanakarajulu has filed O.A.No.8214/2001 before APAT praying the Tribunal to declare the proceedings of the Director of Treasuries and Accounts, AP, Hyderabad issued in Memo.No.D1/9985/98 dated 1.7.1999 and Proceeding No. A1/544/98 dt 4.8.1999 of Deputy Director, District Treasury, Chittoor and consequential recovery of Rs.63,159/- on 1.2.2000 from his Gratuity as illegal, arbitrary and violative of principles of natural justice and Article 14 & 16 of the Constitution of India and set aside the same and consequently to uphold the stepping up of pay sanctioned in proceedings No. A1/4390/87 dated 18.7.1987 of the then District Treasury Officer, Chittoor as valid and to direct the Respondents to give all consequential benefit thereon within the period of time.

4. The Hon'ble A.P. Administrative Tribunal in their orders dated **30/11/2005**, while following the Division Bench judgment of High Court in W.P.No.15231/2000 dated 13.2.2001, held that the recovery of payment of alleged excess amount after retirement of the employees and after 15 years is not valid and set aside the recovery proceedings issued by the DTA vide Memo.No.D1/9985/98 dated 1.7.1999 and upheld the stepped up pay of the applicant Sri P.Kanakarajulu in proceeding No.A1/4390/87 dated 18.7.1987 of the District Treasury Officer, Chittoor.

5. Government, after careful examination of the above orders of the Hon'ble APAT consulted the Law Department for their advice for taking further action in the matter. The Law Department **advised the Department to file a Writ Petition in the High Court of AP against the judgment of A.P. Administrative Tribunal dated 30-11-2005 in OA.8214/2001.** Accordingly the Deputy Director, District Treasury Chittoor filed W.P.No.25201/06 against the Order of APAT dated 30-11-2005. The Hon'ble A.P. High Court in their orders dated 4/7/2008 observed that:

**"We are not inclined to interfere with the impugned order passed by the Tribunal and the Writ Petition is devoid of merits and accordingly the Writ petition is dismissed."**

6. Government, after careful consideration of the matter with reference to the opinion of Govt. Pleader for Services, A.P. High Court observed that the principle **"if any amount is paid erroneously to a Government servant should be recovered"** has been violated in this case. Therefore, it was decided to file a Special Leave Petition before the Hon'ble Supreme Court of India against the order passed by the Hon'ble High Court dt. 4-7-2008 in WP No. 25201/2006.

7. The Hon'ble Supreme Court of India in their Order, dated 07-08-2009 dismissed the SLP on **the ground of delay as well as on merits.**

8. Government, after careful examination of the matter and in pursuance of the orders of Hon'ble Supreme Court of India, hereby order to implement the orders of Hon'ble A.P. Administrative Tribunal, dated 13-11-2005 in O.A.No.8214/2001 filed by Sri P.Kanakarajulu, ATO (Retd.).

9. The Director of Treasuries and Accounts shall take necessary further action in the matter immediately and report compliance to the Government as well as Hon'ble A.P. Administrative Tribunal.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**SHAMSHER SINGH RAWAT  
SECRETARY TO GOVERNMENT (FP)**

To  
Sri P.Kanaka Rajulu, ATO (Retd.) through the Director of Treasuries and Accounts, A.P., Hyderabad.

The Director of Treasuries and Accounts, A.P., Hyderabad.

The Deputy Director, District Treasury, Chittoor.

Copy to the G.P. for Finance, A.P.A.T., Hyderabad for information.

SF/SC

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**